



**City of San Diego
Councilmember Donna Frye
Sixth District**

MEMORANDUM

DATE: April 1, 2010

TO: Council President Ben Hueso
Andrea Tevlin, Independent Budget Analyst

FROM: Councilmember Donna Frye

SUBJECT: Municipal Code Changes for Fiscal Impact Analysis - Request to Docket

The San Diego Municipal Code sets forth requirements for the preparation of the Fiscal Impact Analysis for City of San Diego ballot measures. Currently, the City Council may direct the City Manager to prepare the Fiscal Impact Analysis. Specifically, §27.0506 states:

Preparation of Fiscal Impact Analysis:

- (a) The City Council may direct the City Manager to prepare a fiscal impact analysis of the proposed legislative act. If so directed, the City Manager shall place the fiscal impact analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed legislative act.
- (b) The analysis shall not exceed 500 words in length.
- (c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an option as to whether or not significant change in City finances would result if the proposed measure is adopted.
- (d) The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed legislative act.

("Preparation of Fiscal Impact Analysis" added 7-26-1999 by O-18664 N.S.)

In light of the fact that the City of San Diego now has an Independent Budget Analyst (IBA), as provided in the City Charter, I believe it is a better practice to have the IBA perform the Fiscal Impact Analysis. Clarifying language also should be provided to ensure that the costs are disclosed and the public better informed.

I am requesting that this matter be docketed for the Rules Committee within the next 45 days to discuss my recommended changes to Municipal Code §27.0506 as follows:

- (a) Change to: The Independent Budget Analyst shall prepare a fiscal-impact analysis of the proposed legislative act. The Independent Budget Analyst shall place the fiscal-impact analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed legislative act;
- (b) No change;
- (c) Request IBA analysis to determine if language changes needed;
- (d) No change;
- (e) New Section: The Fiscal Impact Analysis must reasonably inform the voters of the proposed measure's fiscal impact and be true, impartial and not argumentative so as to avoid misleading the public with inaccurate information.

Thank you for your immediate attention.

CC:

Honorable City Councilmembers
Honorable Mayor Jerry Sanders
City Attorney, Jan Goldsmith
City Clerk, Elizabeth Maland

DF/ks